

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 2, and 4-45 are now pending in the present application. Claims 1, 4-6, 13, 20, 27, 34, 41, and 44 are the independent claims. Claims 6-33, 35-38, 42, and 45 are withdrawn as being drawn to a non-elected invention.

Claims 1, 4, 5, 34, 39 and 41 have been amended. Claim 3 has been cancelled without prejudice to or disclaimer of the subject matter recited therein. No new matter is believed to have been added.

It is to be appreciated that Applicants have rewritten dependent claims 4, 5, and 41 in independent form and have added features of claims 3 and 39 to independent claims 1 and 34, respectively.

The Office Action objected to the Title. In response, Applicants have amended the title in a manner believed to be even more indicative of the claimed subject matter. Favorable consideration is respectfully requested.

Claims 1-5, 34, 40-41 and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,980,791 (Berscheid et al.). Claims 1, 34, 43 and 44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,885,652 by (Leonard et al.). Claim 39 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Berscheid et al. These rejections are respectfully traversed.

Independent claim 1 now recites, inter alia, a protrusion group ... extending linearly radially in parallel from a rotational axis of the disk.

Independent claim 4 recites, inter alia, a protrusion group which includes at least two protrusion groups each disposed at an equiangular interval in a direction of rotation of the disk.

Independent claim 5 recites, inter alia, a protrusion group which includes protrusion groups arranged in a stepped manner in a radial direction of the disk.

Independent claim 34 recites, inter alia, at least one protrusion group being positioned in parallel linearly in the radial direction of the disk.

Independent claim 41 recites, inter alia, at least one protrusion which includes several protrusion parts arranged in a radial direction of the disk in a stepped manner.

Independent claim 44 recites, inter alia, a protrusion group being positioned in parallel linearly in the radial direction of the disk.

However, none of the asserted citations teaches at least the aforementioned features of independent claims 1, 4, 5, 34, 41, and 44.

Berscheid et al. relates to a method for forming a molded-in lifter for cleaning a flexible magnetic disk and teaches, in an alternative embodiment, a back shell 620 having an inner surface 621 from which a raised rib 630 and a plurality of raised platforms 631 on both sides of the raised rib extend. (Berscheid et al., Col. 10, lines 3-15; FIG. 17). Berscheid et al. teaches further that the raised rib extends outwardly a distance greater than the raised platforms. (Berscheid et al., FIG. 19). Berscheid et al. also teaches, in a separate embodiment, at least two raised ribs 330a and 330c formed on the back shell 320 and extending radially outwardly. (Berscheid et al., Col. 6, lines 41-49; Fig. 9). The Office Action contends that these teachings anticipate the aforementioned features of independent claims 1, 4, 5, 39, 41, and 44. This contention is respectfully traversed.

Regarding independent claims 1, 34, and 44, Berscheid et al. shows, in FIG. 9 (the figure upon which the Office Action rejected claim 3), ribs extending radially outwardly. However, the ribs are shown to diverge from each other instead of being parallel.

Regarding independent claim 4, Berscheid et al. shows a protrusion group disposed at a plurality of places. However, it is respectfully submitted that Berscheid et al. does not teach a protrusion group which includes at least two protrusion groups each disposed at an equiangular interval in a direction of rotation of the disk.

Regarding independent claims 5 and 41, Berscheid et al. does show, in FIG. 19 (the figure upon which the Office Action rejected this claim) that the raised rib extends farther than the raised platforms next to it. However, nowhere does Berscheid et al. teach arranging protrusion groups in a "stepped manner" as that term is used in the claims.

It is a fundamental principle of claim interpretation that pending claims are to be interpreted in light of the specification of which they are a part. (MPEP § 2111). Attention is respectfully directed to paragraph [0025] and FIG. 12 of Applicants' disclosure where it is

explained and shown that “when the protrusion group 20 is partitioned into several parts arranged in a stepped manner, the foreign materials detached from the surface of the disk 13 only have to slip out of relatively fewer protrusions 21 than the above case, so that the foreign materials can easily slip out of the protrusions 21.” Thus, Berscheid et al. does not teach, for example, the “stepped manner” of independent claims 5 and 41.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 4, 5, 34 and 41 under 35 U.S.C. § 102 as anticipated by Berscheid et al. are respectfully requested.

Leonard et al. relates to a disk cartridge and teaches providing plural radial ribs 11 incorporated on the inner surface of a cartridge 3 to enhance air flow. Each rib includes a radial rib 12 and circular ribs 13. However, while Leonard et al. shows plural ribs, the ribs do not extend linearly or in parallel. Thus, Leonard et al. does not teach the aforementioned features of independent claims 1, 34 and 44.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 34 and 44 under 35 U.S.C. § 102 as anticipated by Leonard et al. are respectfully requested.

Regarding the rejection of claim 39 under 35 U.S.C. § 103, it is respectfully submitted that Berscheid et al. does not render obvious at least the aforementioned feature of independent claim 34 for which claim 39 depends.

Accordingly, favorable reconsideration and withdrawal of the rejection of claim 39 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-23-04

By: 
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501